

EXHIBIT 1

INTRODUCTION

Respondent Coby King is a member of the California Council on Criminal Justice (the “Council”). He assumed office on January 9, 2002. As a member of the Council, Respondent is a designated employee of the Council, as defined in Section 82019, subdivision (c) of the Political Reform Act (the “Act”),¹ and in the Council’s conflict of interest code.

As required by the Council’s conflict of interest code, each designated employee of the Council must file a statement of economic interests within 30 days of assuming office. On the statement of economic interests, the designated employee must disclose the reportable economic interests that he or she held during the 12 months prior to the date of assuming office.

In this matter, Respondent failed to file an assuming office statement of economic interests by February 8, 2002.

The Enforcement Division handled this case on an expedited basis under the SEI Expedited Procedures adopted by the Commission in July of 1999.

For the purposes of this Stipulation, Respondent’s violation is stated as follows:

As a designated employee of the California Council on Criminal Justice, Coby King failed to file an assuming office statement of economic interests by February 8, 2002, in violation of Section 87300 of the Government Code.

SUMMARY OF THE LAW

An express purpose of the Act, as set forth in Section 81002, subdivision (c), is to ensure that the assets and income of public officials, which may be materially affected by their official actions, be disclosed, so that conflicts of interest may be avoided.

In furtherance of this purpose, Section 87300 requires every agency to adopt and promulgate a conflict of interest code. Section 87302, subdivision (a) provides that an agency’s conflict of interest code must specifically designate the employees of the agency who are required to file statements of economic interests disclosing their reportable investments, business positions, interests in real property, and sources

¹ The Act is contained in Government Code sections 81000 through 91014. All statutory references are to the Government Code unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

of income. Under Section 82019, subdivision (c), and Section 87302, subdivision (a), the individuals who are to be designated in an agency's conflict of interest code are the officers, employees, members, and consultants of the agency, whose position with the agency entails making, or participating in making, governmental decisions that may have a reasonably foreseeable material effect on one or more of the individual's economic interests.

Section 87302, subdivision (b) provides that an agency's conflict of interest code must require every new designated employee to file a statement of economic interests within 30 days of assuming office, disclosing investments, business positions, and interests in real property held on, and income received during the 12 months before, the date of assuming office.

Under the provisions of the Council's conflict of interest code, each designated employee must file his or her assuming office statement of economic interests with the Council, which shall retain a copy of the statement and forward the original to the Fair Political Practices Commission (the "FPPC"), which has been designated in the Council's conflict of interest code, as the filing officer for the Council.

Under Section 87300, the requirements of an agency's conflict of interest code have the force of law, and any violation of those requirements is deemed a violation of the Act.

SUMMARY OF THE FACTS

Respondent Coby King assumed office as a member of the California Council on Criminal Justice on January 9, 2002. As a member of the Council, Respondent is a designated employee of the Council, and therefore was required to file a statement of economic interests within 30 days of assuming office.

On January 24, 2002, Heather Duncan, filing official for the Council, sent a letter to Respondent, advising him that his assuming office statement of economic interests was due by February 9, 2002.² In spite of this reminder, Respondent failed to file an assuming office statement of economic interests by the February 8, 2002 due date, or the February 9, 2002 due date stated in the notification, in violation of Section 87300.

On February 28, 2002, Emily Bowden of the SEI Unit of the FPPC, which is the filing officer for the Council, sent a letter to Respondent, reminding him that his assuming office statement of economic interests, that was due by February 8, 2002, had not been received, and asking him to file the delinquent statement within the next 30 days.

When respondent did not file the assuming office statement as requested, on May 22, 2002, Ms. Bowden sent another letter to Respondent, informing him that his assuming office statement of economic interests, that was due on February 8, 2002, still had not been received. The letter further advised Respondent that his failure to file the statement would be referred to the Enforcement Division of the FPPC, if the delinquent statement was not received by June 1, 2002. When Respondent did not respond to Ms.

² Ms. Duncan apparently miscalculated the due date by one day.

Bowden's letters, the matter of his failure to file an assuming office statement of economic interests was then referred to the Enforcement Division.

On June 16, 2002, SEI Coordinator Mary Ann Kvasager of the Enforcement Division contacted Respondent by telephone, reminding him that his assuming office statement of economic interests was past due, and instructing him to file the statement immediately. On June 24, 2002, Respondent contacted Ms. Kvasager by telephone. During that conversation, Respondent requested the fax number, and mailing address for the Fair Political Practices Commission, so he could file his assuming office statement of economic interests. Ms. Kvasager advised Respondent that he must file the original statement, rather than a fax copy, to meet his filing obligation. On June 24, 2002, Respondent faxed a copy of his assuming office statement of economic interests to the Enforcement Division, but did not file the original document.

After being contacted by an Enforcement Division attorney in conjunction with reaching this settlement, Respondent filed his original assuming office statement of economic interests on May 9, 2003.

CONCLUSION

This matter consists of one count of violating Section 87203, which carries a maximum administrative penalty of Five Thousand Dollars (\$5,000). However, under the SEI Expedited Procedures adopted by the Commission in July 1999, the approved administrative penalty for an individual who files a delinquent statement of economic interests only after an action is taken by an Enforcement Division Attorney, is between Four Hundred and Six Hundred Dollars (\$400-\$600).

The fact that Respondent filed an original assuming office statement of economic interests immediately after being contacted by an Enforcement Division Attorney, justifies imposition of the agreed upon penalty of Four Hundred Dollars (\$400).